

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 19556 of 2007(C)  
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PETITIONER:  
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P.M.SIMON, S/O P.A.MATHAI,  
AGED 48, NISSY BHAVAN, MANIYAR P.O.,  
PUNALUR.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:  
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1. THE DISTRICT SUPERINTENDENT OF POLICE,  
KOLLAM.
2. THE DEPUTY SUPERINTENDENT OF POLICE,  
PUNALUR.
3. SRI. VIKRAMAN,  
ASSISTANT SUB INSPECTOR OF POLICE,  
ANCHAL POLICE STATION, ANCHAL.
4. THE GEOLOGIST,  
MINING & GEOLOGY DEPARTMENT,  
CIVIL STATION, KOLLAM.

ADDL.R5. THE DISTRICT COLLECTOR,  
CIVIL STATION, KOLLAM IS IMPEADED VIDE ORDER ON I.A.NO.  
8692/2007 DTD.27.6.2007.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**S. SIRI JAGAN, J.**

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**WP(C) NO. 19556 OF 2007**  
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**Dated this the 3rd day of July, 2007**

**J U D G M E N T**

The petitioner's lorry bearing No.KL-07/G.3708 which was hired out to a third person for transporting sand from Tamil Nadu to Kerala was seized on allegation of illegal transport of sand. The petitioner submits that the consignment was covered by Ext.P1 pass issued under the Kerala Minor Mineral Concession Rules (for short 'the Rules') and as such, the transportation was perfectly illegal.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader. The learned Government Pleader submits that the matter has been referred to the Geologist for action under the Rules and he has to pass final orders in the matter.

3. There is a dispute regarding the date of seizure. According to the petitioner, the date of seizure is 17.6.2007, but according to the Government Pleader, the date is 19.6.2007. Whatever that be, the matter has to

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be finally decided by the Geologist. Till orders are passed by the Geologist, it is not necessary to allow the vehicle to rot in the sun and rain.

4. In the above circumstances, pending passing of final orders by the Geologist, I direct the fourth respondent-the Geologist to give interim custody of the vehicle to the petitioner on the petitioner executing a bond for an amount of Rs.10,000/- (Rupees ten thousand only) and producing proof of ownership of vehicle. This is subject to further condition that the petitioner shall not alienate or otherwise part with possession of the vehicle until the Geologist passes final orders.

The writ petition is disposed of as above.

**S. SIRI JAGAN,  
Judge**

Mbs/

**WP(C) NO. 19556 of 2007**

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**S.SIRI JAGAN, J**

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**W.P.(C) NO. OF 2001**

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**WP(C) NO. 19556 of 2007**

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**J U D G M E N T**

**DATED:01-06-2007**

**WP(C) NO. 19556 of 2007**

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